

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -
UNITED STATES OF AMERICA : INDICTMENT
- v. - : 12 Cr.

GREGORY RYAN,
TIMOTHY MCDORMAN,
MARK MCCORRISON,
CLIFFORD TODD BARNES,
EDWARD RYBA,
CLIFFORD STRINGER,
RICHARD RAKUS,
MICHAEL MCCAFFREY,
STEPHEN BYCHOLSKI,
PETER SANTOS,
RODNEY SCUDDER,

Defendants.

- - - - - X

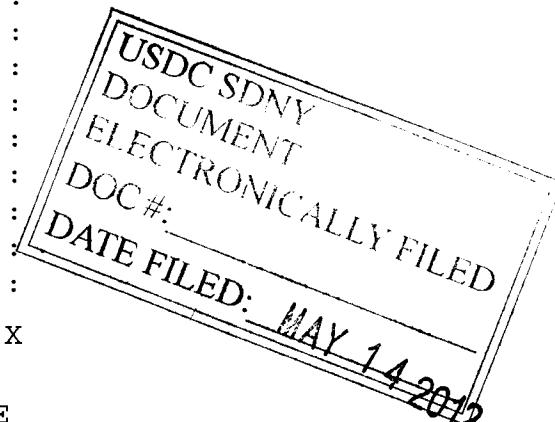
COUNT ONE

(Conspiracy to Transport Stolen Goods)

The Grand Jury charges:

1. From in or about August 2009 up to and including December 2011, in the Southern District of New York and elsewhere, GREGORY RYAN, TIMOTHY MCDORMAN, MARK MCCORRISON, CLIFFORD TODD BARNES, EDWARD RYBA, CLIFFORD STRINGER, RICHARD RAKUS, MICHAEL MCCAFFREY, STEPHEN BYCHOLSKI, PETER SANTOS, and RODNEY SCUDDER, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, namely, to violate Title 18, United States Code, Section 2314.

JUDGE NATHAN



2. It was a part and an object of the conspiracy that the defendants, and others known and unknown, would and did transport, transmit, and transfer in interstate and foreign commerce goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 27, 2010, PETER SANTOS, the defendant, returned a suit at a branch of a national clothing retail store ("Retailer-1") located in White Plains, New York, which suit had previously been stolen from another Retailer-1 location in Peabody, Massachusetts.

b. On or about April 2, 2011, MARK MCCORRISON, the defendant, returned a Retailer-1 suit at a Retailer-1 location in New York, New York, which suit had previously been stolen from another Retailer-1 location in Stamford, Connecticut, in exchange for a Retailer-1 merchandise credit card.

c. On or about May 11, 2011, EDWARD RYBA, the defendant, returned a Retailer-1 suit at a Retailer-1 location

in Baltimore, Maryland, which suit had previously been stolen from another Retailer-1 location in Short Hills, New Jersey.

d. On or about June 14, 2011, GREG RYAN, the defendant, returned a Retailer-1 suit at a Retailer-1 location in Philadelphia, Pennsylvania, which suit had previously been stolen from another Retailer-1 location in Short Hills, New Jersey.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Conspiracy to Receive Stolen Goods)

The Grand Jury further charges:

4. From in or about August 2009 up to and including December 2011, in the Southern District of New York and elsewhere, GREGORY RYAN, TIMOTHY MCDORMAN, MARK MCCORRISON, CLIFFORD TODD BARNES, EDWARD RYBA, CLIFFORD STRINGER, RICHARD RAKUS, MICHAEL MCCAFFREY, STEPHEN BYCHOLSKI, PETER SANTOS, and RODNEY SCUDDER, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, namely, to violate Title 18, United States Code, Section 2315.

5. It was a part and an object of the conspiracy that the defendants, and others known and unknown, would and did receive, possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, and money of the value of \$5,000

or more, which crossed a State boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315.

OVERT ACTS

6. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 15, 2011, CLIFFORD TODD BARNES, the defendant, returned a Retailer-1 suit at a Retailer-1 location in New York, New York, which suit had previously been stolen from another Retailer-1 location in Natick, Massachusetts, in exchange for a Retailer-1 merchandise credit card.

b. On or about April 2, 2011, MARK MCCORRISON, the defendant, returned a Retailer-1 suit at a Retailer-1 location in New York, New York, which suit had previously been stolen from another Retailer-1 location in Stamford, Connecticut, in exchange for a Retailer-1 merchandise credit card.

c. On or about May 11, 2011, EDWARD RYBA, the defendant, returned a Retailer-1 suit at a Retailer-1 location in Baltimore, Maryland, which suit had previously been stolen from another Retailer-1 location in Short Hills, New Jersey.

d. On or about June 14, 2011, GREG RYAN, the defendant, returned a Retailer-1 suit at a Retailer-1 location in Philadelphia, Pennsylvania, which suit had previously been stolen from another Retailer-1 location in Short Hills, New Jersey.

(Title 18, United States Code, Section 371.)

COUNT THREE

(Wire Fraud Conspiracy)

The Grand Jury further charges:

7. From in or about August 2009 up to and including December 2011, in the Southern District of New York and elsewhere, GREGORY RYAN, TIMOTHY MCDORMAN, MARK MCCORRISON, CLIFFORD TODD BARNES, EDWARD RYBA, CLIFFORD STRINGER, RICHARD RAKUS, MICHAEL MCCAFFREY, STEPHEN BYCHOLSKI, PETER SANTOS, and RODNEY SCUDDER, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

8. It was a part and an object of the conspiracy that the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign

commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

OVERT ACTS

9. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 5, 2010, RODNEY SCUDDER, the defendant, returned a Retailer-1 suit at a Retailer-1 location in South Windsor, Connecticut, which suit had previously been stolen from another Retailer-1 location in Chestnut Hills, Massachusetts, in exchange for a Retailer-1 merchandise credit card.

b. On or about October 8, 2010, GREG RYAN, the defendant, posted and sold the merchandise credit card discussed in the preceding paragraph in an online auction conducted through RYAN's account with a well-known online auction website ("Auction Site-1").

c. On or about November 5, 2010, CLIFFORD STRINGER, the defendant, returned a Retailer-1 suit at a Retailer-1 location in Farmington, Connecticut, which suit had previously been stolen from another Retailer-1 location in Stamford, Connecticut, in exchange for a Retailer-1 merchandise credit card.

d. On or about November 5, 2010, RICHARD RAKUS, the defendant, posted and sold the merchandise credit card discussed in the immediately preceding paragraph in an online auction conducted through RYAN's account on Auction Site-1.

e. On or about November 5, 2010, RICHARD RAKUS, the defendant, checked the account balance on the merchandise credit card referenced in the immediately preceding paragraph using Retailer-1's automated telephone system.

f. On or about March 10, 2011, GREG RYAN, the defendant, checked the account balance on the merchandise credit card discussed in the preceding paragraph using Retailer-1's automated telephone system.

g. On or about December 24, 2010, CLIFFORD TODD BARNES, the defendant, returned a Retailer-1 suit at a Retailer-1 location in Marlton, New Jersey, which suit had previously been stolen from another Retailer-1 location in White Plains, New York, in exchange for a Retailer-1 merchandise credit card. In or about December 2010, GREG RYAN, the defendant, checked the account balance on this merchandise credit card by telephone through Retailer-1's automated telephone system.

(Title 18, United States Code, Section 1349.)

FORFEITURE ALLEGATION

10. As the result of committing the offenses alleged in Counts One, Two, and Three of this Indictment, GREGORY RYAN, TIMOTHY MCDORMAN, MARK MCCORRISON, CLIFFORD TODD BARNES, EDWARD RYBA, CLIFFORD STRINGER, RICHARD RAKUS, MICHAEL MCCAFFREY, STEPHEN BYCHOLSKI, PETER SANTOS, and RODNEY SCUDDER, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C § 2461, all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offenses.

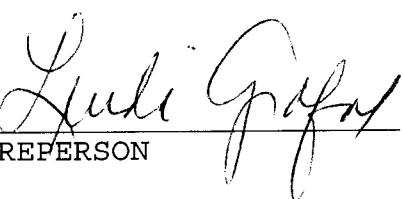
Substitute Asset Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

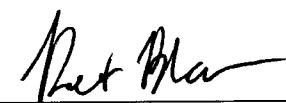
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461.)



Luli Gray
FOREPERSON



Preet Bharara
PREET BHARARA
United States Attorney

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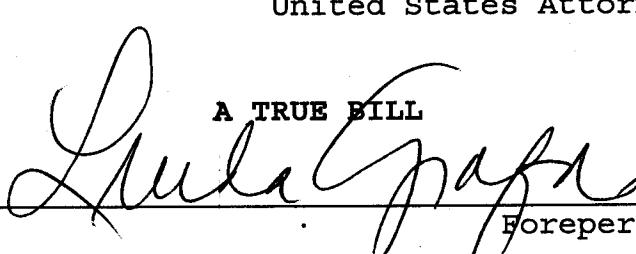
INDICTMENT

12 Cr.

(18 U.S.C. §§ 371, 1349.)

PREET BHARARA
United States Attorney.

A TRUE BILL


Foreperson.

5/4/12 Filed indictment. Case assigned to
Judge Nathan. S/M of Judge lat